

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DERRICK LEE SMITH,

Petitioner,

Case No. 10-11052

v.

NICK LUDWICK,

Hon. John Corbett O'Meara
Magistrate Judge Paul Komives

Respondent.

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

Before the court is Magistrate Judge Paul Komives's report and recommendation dated February 4, 2014. Petitioner filed an objection, although it was not filed within fourteen days of service of the report and recommendation and is not timely.

With respect to reports and recommendations from magistrate judges, this court "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). The court "may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate." *Id.*

Having reviewed the magistrate judge's report and recommendation and the underlying motion papers, the court agrees with the magistrate judge that

Petitioner's request for discovery is premature.

Accordingly, IT IS HEREBY ORDERED that the magistrate judge's February 4, 2014 report and recommendation is ADOPTED.

IT IS FURTHER ORDERED that Petitioner's motions to lift the stay and for discovery (Docket Nos. 45-49, 51-52, and 54) are DENIED WITHOUT PREJUDICE.

s/John Corbett O'Meara
United States District Judge

Date: April 29, 2014

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, April 29, 2014, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager